Filed 10/11/2006

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03/30/06

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2	UNITED STATES DISTRICT COURT	
3	EASTERN DISTRICT OF NEW YORK	
4		
5	S&L VITAMINS, INC.,	,
6	Plaintiff/Counterclaim Defendant,	
	- against -	
8	AUSTRALIAN GOLD, INC.,	
9		
10	Defendant/Counterclaim Plaintiff.	
11	AUSTRALIAN GOLD, INC.,	
12	Third-Party Plaintiff,	
13		
14	- against -	,
15	LARRY SAGARIN AND JOHN DOES 1-10,	
16	Third-Party Defendants.	
17		
18	DEPOSITION OF LARRY SAGARIN	
19	New York, New York	
20		
21	Thursday, March 30, 2006	
22		
23		
24	Reported by: MICHELE ROSSI, RPR	
25		

Larry Sagarin

03/30/06

	Laity		03/30/0
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	March 30, 2006 9:00 a.m. DEPOSITION of LARRY SAGARIN, held at the offices of MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO, P.C., 666 Third Avenue, New York, New York 10017 before Michele Rossi, a Registered Professional Reporter and Notary Public within and for the State of New York.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	IT IS HEREBY STIPULATED AND AGREED by and among counsel for the respective parties hereto that the sealing and certification of the within deposition shall be and the same are hereby waived; IT IS FURTHER STIPULATED AND AGREED that all objections, except to the form of the question, shall be reserved to the time of the trial; IT IS FURTHER STIPULATED AND AGREED that the within deposition may be signed before any Notary Public with the same force and effect as if signed and sworn to before the Court.
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	COLEMAN LAW FIRM Attorneys for Plaintiff 1350 Broadway, Suite 1212 New York, New York 10018 BY: RONALD D. COLEMAN, ESQ. ICE MILLER, LLP Attorneys for Defendants One American Square, Suite 3100 Indianapolis, Indiana 46282-0200 BY: SCOTT D. MATTHEWS, ESQ. MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO, P.C. Attorneys for Defendants 666 Third Avenue New York, New York 10017 BY: FRANCIS J. EARLEY, ESQ.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Sagarin 5 LARRY SAGARIN, stating his residence as 81 Lyn Lane, Baiting Hollow, New York 11933, having been duly sworn by the Notary Public (Michele Rossi, RPR), was examined and testified as follows: EXAMINATION BY MR. MATTHEWS: Q Would you please state your name for the record. A My legal name is Lawrence Thomas Sagarin. I prefer to be called Larry. Q Mr. Sagarin, what is your home address? A 81 Lyn lane, Baiting Hollow, New York 11933. Q How long have you lived there? A 5 years. Q And your wife's name? A Laura Fanning. Q She resides with you? A That's correct. Q How long have you been married? A 10 years, 2 weeks ago. Q What is her occupation? A Teacher.

1 Sagarin 6 2 Q What's her involvement with S&L 3 Vitamins, Inc.? 4 A I think she's on the paperwork. 5 Involvement, none. 6 Q When you say on the paperwork, you're 7 referring to being an owner 8 A Correct. 9 Q from a legal perspective? 10 A Correct. 11 Q Does she have any responsibilities with 1 Sagarin 8 2 S&L Vitamins? 3 A No. 4 Q What was the amount of Laura Fanning's contribution to S&L Vitamins? 5 contribution to S&L Vitamins? 6 A \$15,000. 7 Q Was there ever any intention of her being involved in the operation of that business? 9 A She had no desire to be involved in the operation of that business. 11 Q What's your mother's name?	
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10 A Correct. 10 operation of that business. 11 Q Does she have any responsibilities with 11 Q What's your mother's name?	·
The state of the s	
12 respect to the operation of S&L Vitamins? 12 A Helen Sagarin.	
13 A None whatsoever. 13 Q Do you have a business that you operate	.
14 Q Has she ever been to your places of 14 independently from S&L Vitamins with your mother	her?
15 Dusiness? 15 A I have a business that my mother owns	
16 A When you say, places 16 that I help her operate separate from S&L	
17 Q Well, I understand from other deposition 17 Vitamins.	
18 testimony that you have I'll break it up. 18 Q What is the name of that business?	
Has she ever been to the Montauk store? 19 A Body Source.	
20 A Montauk Highway store, yes, she did 20 Q What is the legal name of that business?	
21 that. 21 A I don't know.	
Q How many times? 22 Q Would it be Body Source Limited? 23 A Once that I can remember, if that, I 23 A It could be I don't know	
20 1 1 1 2 Could bell I don't know.	
The state of the s	
25 Q Does S&L Vitamins hold any corporate 25 A Helen Sagarin.	
1 Sagarin 7 1 Sagarin 9	
2 meetings, shareholder meetings, board of director 2 Q Where is that Body Source store located?	!
3 meetings, things of that nature? 3 A 159-6 Route 25A, Miller Place, New York.	
4 A No. 4 Q Throughout this deposition, I will try	
5 Q Why is Laura Fanning listed as an owner 5 to clarify which store I'm talking about 6 of S&L Vitamins? 5 A Absolutely	
7. Absolucity.	
1 - C white there is an intercritical actific	
is the state of th	
7. I willy absolutely.	
10 business. 10 MR. COLEMAN: You got to please always 11 Q You were married at the time S&L 11 let him finish his question before you	
12 Vitamins was formed; is that correct?	
13 A That is correct. 13 Q Before I get too far into this, let me	
14 Q Did she have funds separate from you to 14 give you just a couple of preliminary statements.	
15 start up S&L Vitamins? 15 Have you ever been deposed before?	
16 A That is correct.	
17 Q What were the source of those funds? 17 Q Then you know the drill, but let me	

18 Malpractice lawsuit. Her mother died

19 due to a misdiagnosis of breast cancer. It went

20 to her brain and she died. And her father also 21

fell down an elevator shaft. Both malpractice and --

22 23

Q That's horrible.

24 Horrible. When she was 17 years old.

25 Did you contribute any money to start

finish my question. If you do not understand a 18 19 question I ask, please ask me to rephrase it.

Okay? 20 21

22

23

24

25

A Yes.

Q And you've done a good job so far by answering yes, no or giving an answer rather than shrugging your shoulders, so continue to do that.

Are you on any medication that would

affect your memory? A No. Excuse me, affect my memory? Q Yes. A In on no medication whatsoever. Q You understand you're here today under oath? A Yes. Q When was the Body Source in Miller Place opened? A A 1996 October. I know because we are renegotating the 10-year lease now and it's coming due in October. Coming due in October. A I don't understand the question. Coming due in October. A I don't understand the question. Coming due in October. A I don't understand the question. Coming due in October. A I don't understand the question. Coming due in October. A I don't understand the question. Coming due in October. A I don't understand the question. Coming due in October. A I don't understand the question. Coming due in October. A I don't understand the question. Coming due in October. A I don't understand the question. Coming due in October. A I don't understand the question. Coming due in October. A I don't understand the question. Coming due in October. A I don't understand the question. Coming due in October. A I don't understand the question. Coming due in October. A I don't understand the question. Coming due in October. A I don't understand the question. Coming due in October. Coming due in October. A I don't understand the question. Coming due in October. Comin		The second secon		
2 q Freed The Superior Stores besides the one on Montauk Highway in 2 q A res. 3 A No. It has been at that address. 4 Q res. 3 A No. It has been at that address. 4 Q res. 3 A No. It has been at that address. 4 Q res. 4 A res. 5 A The one on Montauk Highway in 2 Q What is the address and location of that store? 5 A They are currently closed. I will try to tremember the address, to the best of my ability, 83 West Main Street, Snithtown store and there is a Miller Place and the share is a Montauk store, as well? 3 A It's Lindenhurst, but, yes. 4 Q Forgive me for my — A It's Lindenhurst, but, yes. 5 A They are currently closed. I will try to confuse anybody. 5 Q I haven't completed my local geography. 5 A It's Lindenhurst, but, yes. 6 Q The Miller Place and the Same ownership, that is the record, most of your darker any information, Larry. 6 Q The Miller Place and the Smithtown store any information, Larry. 7 Q The Miller Place and the Smithtown store any information, Larry. 8 Q The Miller Place and the Smithtown store are und there is a Miller Place and there is a millton, but is the address and sociation of that store? 9 Q The Miller Place and the Smithtown store any there is a mortauk store, as well? 9 Q The Miller Place and the Smithtown store any other Box of the summer. 9 Q The Miller Place and the Smithtown store are information, Larry. 9 Q The Miller Place and the Smithtown store are under the same ownership, that is a fishing area, if you're ever out here in the summer. 9 Q The Miller Place and the Smithtown store are under the same ownership, that is a fishing area, if you're ever out here in the summer. 9 Q The Miller Place and the Smithtown store are under the same ownership, that is a fishing area, if you're ever out here in the summer. 9 Q The Miller Place and the Smithtown store are under the same ownership, that is a fishing area, if you're ever out here in the summer. 9 Q The Miller Place and the Smithtown store are under the same ownership, that is your mother's ownership, correct? 9 Q The Mill	1	Sagarin 10	1	Sagarin 12
3 A No. Excuse me, affect my memory? 4 Q Yes. 5 A I'm on no medication whatsoever. 6 Q You understand you're here today under oath? 8 A Yes. 9 Q When was the Body Source in Miller Place opened? 10 opened? 11 A 1996 October. I know because we are renegotiating the 10-year lease now and it's coming due in October. 12 renegotiating the 10-year lease now and it's coming due in October. 13 coming due in October. 14 Q Was it at the Miller Place address that its it currently has then, I take it, from these last its currently has then, I take it, from these last its it currently has then, I take it, from these last its				5
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5 A I'm on no medication whatsoever. 6 Q You understand you're here today under 7 oath? 8 A Yes. 9 Q When was the Body Source in Miller Place 10 opened? 11 A 1996 October. I know because we are 12 renegotiating the 10-year lease now and it's 13 coming due in October. 14 Q Was it at the Miller Place address that 15 it currently has then, I take it, from these last 16 10 years, it's not been in any other location? 17 A I don't understand the question. 18 Q All right. Has the Miller Place Body 19 Source store ever been at another location, other 19 than the 159-6 address? 10 A No. 10 Q What is the nature of his business? 11 A wenue in the same town. 12 What is the nature of his business? 11 A legacy where at? 12 A I don't understand the question. 19 Q All right. Has the Miller Place Body 10 Source store ever been at another location, other 11 A I have town of Miller Place? 12 Q Yes. 13 A No. It has been at that address. 14 Q Have there been any other Body Source 15 stores besides the one on Montauk Highway in 1 Sagarin 11 1 Sagarin 13 2 Miller Place? 3 A Yes. 4 Q What is the address and location of that store, as well? 5 A They are currently closed. I will try to remember the address, to the best of my a baility, 83 West Main Street, Smithtown. 2090 19 Jericho Tumpike, East Northport, New York. 10 Q That's good enough. So there was a and Smithy & Swest Main Street, Smithtown. 2090 20 Jericho Tumpike, East Northport, New York. 20 Q That's good enough. So there was a and smith was tore, as well? 21 Q Forgive me for my — 22 A Montauk is another town. I don't want to confuse anybody. 23 A I's a fishing area, if you're ever out here is a Montauk store, as well? 24 Q The Miller Place and the Smithtown store are first form which you obtain the products, I presume? 25 A No. It has been at that address. 26 Q I have there been any other Body Source store early involvement with Drills and assorted metal cutting tools to end users and whoever wants to purchase them on the Internet. 25 Q When you as pay we, is thate S&L Vitami	1			
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11	9	Q When was the Body Source in Miller Place	9	
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Larry	Sagarin
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		3	05/50/0
1	Sagarin 14	1	Sagarin 16
2	Is this a page from the	2	Q Where did you go?
3	DRILLSANDTAPS.COM website?	3	A Suffolk Community College.
4	A It appears to be, yes.	4	Q What years?
5	Q And that 204A North Fehr Way in Bay	5	A Accurately, I don't know. '93, '92.
6	Shore, is that your father's address?	6	'93, somewhere in there.
7	A At one time, it was.	1 7	Q How many credits did you take?
8	Q Why is that address listed there in the	8	A Very few. I might have generated 30
•	website?	9	credits.
10	A Because initially me and my father were	10	Q And you did not earn a 2-year degree or
1	going to be partners on the venture and realized	11	anything?
	that our relationship was better off not being	12	A No, sir.
	business. It was better being personal, so it is	13	Q Since graduation from high school, tell
4	a typo that's on there now. It is not correct.	14	me about your work history.
15	Q Does S&L Vitamins, Inc. own any real	15	A After graduating high school, I moved to
	estate?	16	Miami. I worked at a company called DeWitt Tool
17	A No.	17	Corporation. I believe they've changed their
18	Q It leases the Lindenhurst property?	18	name currently to Drill America, but when I
19	A It pays rent, yes.	19	worked there, it was called DeWitt Tool.
20	Q Would you tell me what the sources of	20	Q That was in Florida?
	revenue are for S&L Vitamins, Inc. by maybe	21	A Miami, Florida. I worked there for
	product line? And let me tell you what, you have	22	approximately 2-1/2, 3 years. I came back to New
23	Internet sales, correct?	23	York to work for my father at SAG Supply Corp.
24	A Yes.	24	It is currently at 1 South Second Street in Deer
25	Q And you have a retail store in	25	Park, New York.
1	Sagarin 15	1	Sagarin 17
	Lindenhurst, right?	2	And then I opened I helped my mother
3	A Yes.	3	open the Body Source, I believe. That's what
4	Q You also sell, you have another website	4	happened. In
	Drills and Taps where presumably that produces	5	Q In '96?
	revenue as well, correct?	6	A '94.
7	A Correct,	7	Q You mentioned something about having a
8	Q Is there any other revenue stream that I	8	10-year lease at Miller Place?
1	have not listed?	9	A That's the Miller Place location, the
10	A We do ship it's generally from the	10	2090 East Northport store is an older location.
	Internet. No.	11	It's just closed now.
12	Q Were you going to talk about maybe	12	Q That was the Smithtown?
1	shipping some products overseas?	13	A No, that was East Northport.
14	A Well, customer inquiries, the sale isn't	14	Q Oh, East Northport?
15 ı	necessarily generated on the Internet. It could	15	A Yes.
	generate through a phone call.	16	Q So there were 4 years?
17	Q Where did you go to high school?	17	A I don't mean to confuse you.
18	A Smithtown High School East and St.	18	Q I thought I'd be just crystal clear at
19	Thomas Moore Boys Academy, Norwich, Connecticut.	19	this deposition, and I missed one.
20	Q Where did you graduate from?	20	A The original store opened was the 2090
21	A Norwich, Connecticut.	21	Jericho Turnpike. That was the first store to
22	Q What year?	22	open in 1994. 2 years later, the Miller Place
23	A '89.	23	store opened. A few years later, Smithtown
23 24		23 24	store opened. A few years later, Smithtown opened and closed.
23	A '89.	1	

Page 6 of 24

1 Sagarin 18 2 and currently opened or approximately around no, we opened in '98, I believe. 4 Q What was the reason for closing 2090 Jericho Tumpike? 6 A Lack of revenue. Q Had Helen Sagarin been in business for herself before opening Body Source in 1994? h Not that I'm aware of, no. Q What did you do for DeWitt Tool? A I started in shipping and worked my way to sales. Q Why did you do for SAG Supply Corporation? A Sales. Q Why did you leave SAG Supply Corporation? A Sales. Q But why? A Oh, why. My father and I had some disagreements. Q I guess from looking at you that it would be safe to say that you've been at a gym before and worked out. And I think we had some testimony from Mr. Mercadante. Sagarin 19 A No. Q Do you hold a title now in that company? Do you was that what led to your mother opening the Body Source you, your involvement in body building? A A Absolutely. It played a big impact on it, absolutely. Q Was that what led to your mother opening the Body Source you, your involvement in body building? A A Absolutely. It played a big impact on it, absolutely. Q Why did you not take an ownership in that company? A Not that I'm aware of, A No money. Q Well, before you started the Body Source, what was your title? I have opened in '98, I believe. A I don't remember. Q What did you do for the company? A Everything, Took out the garbage, swept the floor, helped customers, of dered products, everything. Q Has that changed from '94 to today? A No. Q Haelen Sagarin. 10 Q Has that changed from '94 to today? A No. Q I guess from looking at you that it that Body Source eventher's company, is Helen Sagarin? A No. Q Do you hold a title now in that company? A No. Q Do you hold a title now in that company? A No. Q Are you a body builder? A No. Q Are you allowed to write checks for Body Source you, your involvement in body building? A No. Q Well, before you your mother opening the Body Source you, your involvement in body building? A That is correct. Q No was that what led to your mother opening the Body Source				
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those tanning lotions? A Check or supplements or trade. Q Does Helen Sagarin's Body Source have its own checking account? A Of course. Vitamins' checking account the same as S&L. Vitamins' checking account? A No, they do not. O Does Helen Sagarin's Body Source sell any products on the Internet? A No, they do not. Vitamins on the Internet? A No, they do not. A Come under the sagarin's body Source, A Habolutely not. A Yes. O Q What is your salary? A Yes. O Q What is your salary? A Yes. O Q What is your salary? A A Yes. A No, I do not. I receive a car. O Q What is your eceive the car? A No, I do not. I receive a car. O Q What is your eceive the car? A No, I do not. I receive a car. O Q What is your eceive the car? A No, I do not. I receive a car. O Q What is your eceive the car? A No, I do not. I receive a car. O Q What is your eceive the car? A No, I do not. I receive a car. O Q What is your eceive the car? A No, I do not. I receive a car. O Q What is your eceive the car? A No, I do not. I receive a car. O Q What is your eceive any other fringe benefits from Helen Sagarin's company, health insurance? A Compensation, I receive a car. O Q What kind of car do you receive from C A Compensation, I receive a car. O Q What kind of car do you receive from C A GMC Yukon. O Do you receive any compensation from S&L. Vitamins's, Inc.? A No. O Do you receive any compensation from S&L. Vitamins's, Inc.? A No. O Do you receive any destributions from C Q C Cash distributions? A No. O Do you receive any distrib	_			03/30/
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12 A No, they do not. 13 Q Does Helen Sagarin's Body Source 14 received any revenues from products sold by S&L 15 Vitamins on the Internet? 16 A Absolutely not. 17 Q Are you paid a salary by Body Source, 18 Helen Sagarin's store? 19 A Yes. 20 Q What is your salary? 21 A \$48,000 annually, 22 Q Do you receive a bonus? 23 A No, I do not. I receive a car. 24 Q Who do you receive the car from? 25 A I don't understand. Ford. 27 Q What kind of car is that? 28 A Yes. 29 Q What kind of car is that? 29 A Yes. 20 Q What kind of car is that? 30 Q Is that from Helen Sagarin's company, 31 that you receive any other fringe benefits from Helen Sagarin's company, health insurance. 4 A Yes. 4 A Yes. 5 Q What kind of car is that? 6 A Ford Mercury. 7 Q Do you receive any other fringe benefits from Helen Sagarin's company, health insurance. 9 A Health insurance. 10 Q Do you receive any compensation from S&L 11 Vitamins, Inc.? 21 A Compensation, I receive a car. 13 Q What kind of car do you receive from 14 S&L? 15 A GMC Yukon. 16 Q Do you receive any distributions from 17 S&L Vitamins, Inc.? 18 A No. I pay that out of my own pocket. 19 Q Do you receive any distributions from 18 A No. I pay that out of my own pocket. 19 Q Do you receive any distributions from 20 S&L Vitamins, Inc.? 21 A No. 22 Q Cash distributions? 23 A No. 24 Q Who is responsible for the financial		t = anguint boar co bon		businesses actually, I don't think you've
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22 Q Cash distributions? 23 A No. 24 Q Who is responsible for the financial 25 Q Was that in a lawsuit involving S&L 26 Q Who is responsible for the financial 27 Q Was that in a lawsuit involving S&L 28 Q Was that in a lawsuit involving S&L 29 Q Was that in a lawsuit involving S&L 20 Q Was that in a lawsuit involving S&L 21 Q Was that in a lawsuit involving S&L 22 Q Was that in a lawsuit involving S&L 23 Vitamins? 24 A Yes.		•		
23 A No. 24 Q Who is responsible for the financial 25 Vitamins? 26 A Yes.				A Once.
23 A No. 24 Q Who is responsible for the financial 25 A No. 26 A No. 27 A No. 28 Vitamins? 29 A Yes.				Q Was that in a lawsuit involving S&L
25 A Test			23	
100		C	24	
	25	aspect of S&L Vitamins, Inc.?	25	Q Was that the California Tan lawsuit?
	L			

	Carry		05/50/00
1	Sagarin 26	1	Sagarin 28
2	A Yes.	2	MR. COLEMAN: He's not going to testify
3	Q How many lawsuits has S&L Vitamins been	3	about that.
4	involved in?	4	Q Why not?
5	A Three.	5	A I don't want to.
6	Q That would be the lawsuit with	6	MR. COLEMAN: No, that's besides the
7	Australian Gold, California Tan and then Designer	7	point. It's not going to lead to the
8	Skin; is that correct?	8	admission, to the discovery of admissible
9	A That is correct.	9	evidence.
10	Q Have you ever been a party to a lawsuit	10	MR. MATTHEWS: Absolutely, Ron, it is.
11	individually?	11	It goes to the witness's I have a right to
12	A Yes. Excuse me, define individually. I	12	investigate what it is. It's not privileged.
13	was named individually in the California Tan	13	MR. COLEMAN: Well, he will testify that
14	case. That's what I'm referring to.	14	there's it was not a charge involving moral
15	Q Other than the California Tan case and	15	turpitude and that will be the entire extent
16	other than the Australian Gold case	16	of his testimony.
17	A And Designer Skin.	17	If the judge orders otherwise, then
18	Q and Designer Skin, have you ever been	18	we'll have him back, but beyond that, there's
19	a defendant in a lawsuit?	19	no reason for his testimony.
20	A No.	20	MR. MATTHEWS: Let me ask the questions
21	Q Do you have a judgment against you	21	first and then you can lodge your objections.
22	resulting from some kind of charge at St. John's	22	Q Were you convicted of a felony?
23	Episcopal Hospital?	23	A Yes.
24	A Obviously you know that. I don't know	24	Q What year was your conviction?
25	that.	25	A '97. I believe, '96, '97.
25	tiat	23	A 37. 1 believe, 30, 37.
1	Sagarin 27	1	Sagarin 29
1	. Saugili 2/		
1 2			
2	Q I just want to remind you	2	Q Did you serve any jail time?
3	Q I just want to remind you A You want me to pay the bill?	2 3	Q Did you serve any jail time? A No.
3 4	Q I just want to remind you A You want me to pay the bill? Q Not my thing. I just	2 3 4	Q Did you serve any jail time? A No. Q Are you still on probation?
3 4 5	Q I just want to remind you A You want me to pay the bill? Q Not my thing. I just A I don't know if I do. If I do, you're	2 3 4 5	Q Did you serve any jail time? A No. Q Are you still on probation? A No.
3 4 5 6	Q I just want to remind you A You want me to pay the bill? Q Not my thing. I just A I don't know if I do. If I do, you're more aware of it than I am.	2 3 4 5 6	Q Did you serve any jail time? A No. Q Are you still on probation? A No. Q Were you on probation?
3 4 5 6 7	Q I just want to remind you A You want me to pay the bill? Q Not my thing. I just A I don't know if I do. If I do, you're more aware of it than I am. Q Well, that's all I know. It shows up on	2 3 4 5 6 7	 Q Did you serve any jail time? A No. Q Are you still on probation? A No. Q Were you on probation? A Yes.
3 4 5 6 7 8	Q I just want to remind you A You want me to pay the bill? Q Not my thing. I just A I don't know if I do. If I do, you're more aware of it than I am. Q Well, that's all I know. It shows up on your record that there's a judgment, which would	2 3 4 5 6 7 8	Q Did you serve any jail time? A No. Q Are you still on probation? A No. Q Were you on probation? A Yes. Q For how long?
3 4 5 6 7 8 9	Q I just want to remind you A You want me to pay the bill? Q Not my thing. I just A I don't know if I do. If I do, you're more aware of it than I am. Q Well, that's all I know. It shows up on your record that there's a judgment, which would suggest to me that there was some kind of a	2 3 4 5 6 7 8	Q Did you serve any jail time? A No. Q Are you still on probation? A No. Q Were you on probation? A Yes. Q For how long? A 10 years.
3 4 5 6 7 8 9	Q I just want to remind you A You want me to pay the bill? Q Not my thing. I just A I don't know if I do. If I do, you're more aware of it than I am. Q Well, that's all I know. It shows up on your record that there's a judgment, which would suggest to me that there was some kind of a lawsuit that they have a judgment.	2 3 4 5 6 7 8 9	Q Did you serve any jail time? A No. Q Are you still on probation? A No. Q Were you on probation? A Yes. Q For how long? A 10 years. Q When did your probation end?
3 4 5 6 7 8 9 10	Q I just want to remind you A You want me to pay the bill? Q Not my thing. I just A I don't know if I do. If I do, you're more aware of it than I am. Q Well, that's all I know. It shows up on your record that there's a judgment, which would suggest to me that there was some kind of a lawsuit that they have a judgment. They probably would have to sue you	2 3 4 5 6 7 8 9 10	Q Did you serve any jail time? A No. Q Are you still on probation? A No. Q Were you on probation? A Yes. Q For how long? A 10 years. Q When did your probation end? A August 30, 2005. August 29 for 9 years.
3 4 5 6 7 8 9 10 11 12	Q I just want to remind you A You want me to pay the bill? Q Not my thing. I just A I don't know if I do. If I do, you're more aware of it than I am. Q Well, that's all I know. It shows up on your record that there's a judgment, which would suggest to me that there was some kind of a lawsuit that they have a judgment. They probably would have to sue you first to get that judgment, so that's why I was	2 3 4 5 6 7 8 9 10 11 12	Q Did you serve any jail time? A No. Q Are you still on probation? A No. Q Were you on probation? A Yes. Q For how long? A 10 years. Q When did your probation end? A August 30, 2005. August 29 for 9 years. Q Will you tell me what the charges were
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	Sagarin 30	1	Sagarin 32
	2 you're asking me those questions.	2	Q What are OTCs?
	3 MR. COLEMAN: Larry, don't argue with	3	A Over-the-counter drugs.
	T IMII.	4	Q And who are they regulated by?
	5 MR. MATTHEWS: I have a right to know.	5	A I would believe they would be regulated
	6 You can answer them and we can move on. If	6	by the FDA.
	7 not, we can make an issue with the judge and	7	Q Does your conviction or the terms of any
	8 I'm going to ask for attorneys' fees to come	8	plea agreement you've reached affect what you can
	9 back out here and finish this and ask this.	9	or can't do with respect to selling supplements?
	Let's take a break.	10	In other words, are there any
	1 (A recess was taken.)	11	restrictions
	Q Mr. Sagarin, would you tell me what	12	A Not that I'm aware of.
	3 charges were brought against you?	13	MR. MATTHEWS: Let's go off the record.
	4 MR. COLEMAN: Answer that.	14	(A discussion was held off the record.)
	5 A Possession with intent.	15	Q I want to shift gears and talk a little
	Q Possession of what?	16	bit about S&L Vitamins.
	7 A Anabolic steroids.	17	Does it do business under the name Body
	8 Q Was that with intent to distribute?	18	Source?
	9 A I was arrested for purchasing. I don't	19	A Yes.
	0 know what the exact charges were, but I was	20	Q Why did S&L Vitamins decide to do
	1 arrested while purchasing.	21	business under that name?
	Q Did that go to trial or did you enter a	22	A I like the name.
	3 plea agreement?	23	Q Tell me about how you first met Steve
	A I entered a plea agreement.	24	Mercadante.
2	5 Q Did you have to pay any fine or	25	A In a restaurant.
 		-	
	Sagarin 31	1	Sagarin 33
	2 restitution to anyone?	2	Q He was your customer?
	A Yes.	3	A Yes.
	4 Q To whom?	4	Q How did it come about that you and
	A United States Government.	5	Mr. Mercadante decided to go into business
	6 Q How much?	6	together?
•	7 A 22,000 and change.	7	A He was a young man seeking an
	Q Did you file bankruptcy as a result	8	opportunity.
	of or have you filed bankruptcy ever?	9	Q Were you looking for an opportunity as
1		10	well?
1	c and the second contract	11	A Always.
1	in process you won our mig	12	Q How did you two decide to sell
1	Jan	13	supplements?
1		14	A At the time, it was the only thing I
1	•	15	knew how to do besides sell drugs.
1		16	Q Is there any reason why your mother just
1	• , , ,	17	didn't open the Lindenhurst store on her own?
1	· · · · · · · · · · · · · · · · · · ·	18	A Older, tired, close to retirement.
1		19	Q I guess this was an opportunity for you
2	C Product	20	or at least for your wife then to have an
2	, , , , , , , , , , , , , , , , , , , ,	21	investment in a business?
2		22	A It was an opportunity for the family.
2		23	Q What does Mr. Mercadante do for the
2	7,1	24	business?
2	5 A OTCs.	25	A Day-to-day operations.
<u> </u>			

		Ι	
1	Sagarin 34	1	Sagarin 36
2	Q What do you do for the business?	2	A That's correct.
3	A Vendor development, product development,	3	Q How many hours do you suppose you work
4	sales. That's it.	4	there at the Lindenhurst store?
5	Q Who is responsible for the website?	5	A 20 hours, 25 a week.
6	A More recently, it's been myself, but	6	Q Each when you're there 5 days a week?
7	both of us.	7	A No. You asked for an average.
8	Q When you say vendor development, what do	8	Q Good point. When you're there 5 days a
9	you mean by that?	9	week, are you working a full 8 hours a day?
10	A Try and find vendors to sell us	10	A No.
11	products, products that we market competitively.	11	Q How many hours do you work?
12	Q We'll look at your website in a minute,	12	A Seven.
13	but you sell now tanning lotions and some pills	13	Q If you're only there a couple of times a
14	and dietary supplements. What decisions do you	14	week, do you spend the rest of the time at Helen
15	undertake when you're looking at products to	15	Sagarin's Body Source store?
16	potentially sell? Is there any rhyme or reason	16	A No.
17	to how you do that?	17	Q Do you do anything on a regular basis
18	A I believe that I seek out products that	18	for Helen Sagarin's company?
19	I can be competitive in the marketplace that	19	A No.
20	exist for the product. And if I can, I offer	20	Q Does she run that by herself?
21	that product.	21	A Yes.
22	Q When you talk about your vendors, are	22	Q Besides Mr. Mercadante and yourself, who
23	your vendors, I take it for tanning lotions,	23	else works at S&L Vitamins?
24	different than the vendors you use for your	24	A Michael Nierman.
25	supplements?	25	Q Other than Mr. Nierman, have there ever
		,	
١.	Company 25	۱.	Cagarin 27
1	Sagarin 35	1	Sagarin 37
2	A Yes.	2	been any other employees of that company?
2 3	A Yes. Q What sales do you do on behalf of S&L	2	been any other employees of that company? A Of S&L, no.
2 3 4	A Yes. Q What sales do you do on behalf of S&L Vitamins?	2 3 4	been any other employees of that company? A Of S&L, no. Q Has the Lindenhurst store ever been
2 3 4 5	A Yes. Q What sales do you do on behalf of S&L Vitamins? A I pick up the phone. I'll take an	2 3 4 5	been any other employees of that company? A Of S&L, no. Q Has the Lindenhurst store ever been owned or controlled by a different corporate
2 3 4 5 6	A Yes. Q What sales do you do on behalf of S&L Vitamins? A I pick up the phone. I'll take an order, process an order. I'll help a customer	2 3 4 5 6	been any other employees of that company? A Of S&L, no. Q Has the Lindenhurst store ever been owned or controlled by a different corporate entity other than S&L Vitamins?
2 3 4 5 6 7	A Yes. Q What sales do you do on behalf of S&L Vitamins? A I pick up the phone. I'll take an order, process an order. I'll help a customer out in front if they need assistance.	2 3 4 5 6 7	been any other employees of that company? A Of S&L, no. Q Has the Lindenhurst store ever been owned or controlled by a different corporate entity other than S&L Vitamins? A No.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A Yes. Q What sales do you do on behalf of S&L Vitamins? A I pick up the phone. I'll take an order, process an order. I'll help a customer out in front if they need assistance. Q How many days a week are you at the Lindenhurst store? A It depends what time of year it is, three. Sometimes five. Sometimes two. Q Are there seasons where it's busy or parts of the year where it's busier where you need to be at Lindenhurst more? A Yes. Q When are those times? A January to June. Q Is that the tanning season?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	been any other employees of that company? A Of S&L, no. Q Has the Lindenhurst store ever been owned or controlled by a different corporate entity other than S&L Vitamins? A No. Q I did some. I don't think I have the document, but I looked at the Secretary of State records and I saw Body Source Limited incorporated around March 23, 1994. I know you said you didn't know if that was the name of your mom's company, but does that sound about the same time that she incorporated her business? A As I stated earlier in my deposition, we opened the Northport store in approximately 1994, so I would assume so, yes.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A Yes. Q What sales do you do on behalf of S&L Vitamins? A I pick up the phone. I'll take an order, process an order. I'll help a customer out in front if they need assistance. Q How many days a week are you at the Lindenhurst store? A It depends what time of year it is, three. Sometimes five. Sometimes two. Q Are there seasons where it's busy or parts of the year where it's busier where you need to be at Lindenhurst more? A Yes. Q When are those times? A January to June. Q Is that the tanning season? A Supplement season. Q So they coincide, the supplement season	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	been any other employees of that company? A Of S&L, no. Q Has the Lindenhurst store ever been owned or controlled by a different corporate entity other than S&L Vitamins? A No. Q I did some. I don't think I have the document, but I looked at the Secretary of State records and I saw Body Source Limited incorporated around March 23, 1994. I know you said you didn't know if that was the name of your mom's company, but does that sound about the same time that she incorporated her business? A As I stated earlier in my deposition, we opened the Northport store in approximately 1994, so I would assume so, yes. Q Is there anything that Mr. Mercadante does with respect to S&L Vitamins that you do not
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A Yes. Q What sales do you do on behalf of S&L Vitamins? A I pick up the phone. I'll take an order, process an order. I'll help a customer out in front if they need assistance. Q How many days a week are you at the Lindenhurst store? A It depends what time of year it is, three. Sometimes five. Sometimes two. Q Are there seasons where it's busy or parts of the year where it's busier where you need to be at Lindenhurst more? A Yes. Q When are those times? A January to June. Q Is that the tanning season? A Supplement season. Q So they coincide, the supplement season and the tanning season?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	been any other employees of that company? A Of S&L, no. Q Has the Lindenhurst store ever been owned or controlled by a different corporate entity other than S&L Vitamins? A No. Q I did some. I don't think I have the document, but I looked at the Secretary of State records and I saw Body Source Limited incorporated around March 23, 1994. I know you said you didn't know if that was the name of your mom's company, but does that sound about the same time that she incorporated her business? A As I stated earlier in my deposition, we opened the Northport store in approximately 1994, so I would assume so, yes. Q Is there anything that Mr. Mercadante does with respect to S&L Vitamins that you do not do?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Yes. Q What sales do you do on behalf of S&L Vitamins? A I pick up the phone. I'll take an order, process an order. I'll help a customer out in front if they need assistance. Q How many days a week are you at the Lindenhurst store? A It depends what time of year it is, three. Sometimes five. Sometimes two. Q Are there seasons where it's busy or parts of the year where it's busier where you need to be at Lindenhurst more? A Yes. Q When are those times? A January to June. Q Is that the tanning season? A Supplement season. Q So they coincide, the supplement season and the tanning season? A New Year's resolutions, getting ready	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	been any other employees of that company? A Of S&L, no. Q Has the Lindenhurst store ever been owned or controlled by a different corporate entity other than S&L Vitamins? A No. Q I did some. I don't think I have the document, but I looked at the Secretary of State records and I saw Body Source Limited incorporated around March 23, 1994. I know you said you didn't know if that was the name of your mom's company, but does that sound about the same time that she incorporated her business? A As I stated earlier in my deposition, we opened the Northport store in approximately 1994, so I would assume so, yes. Q Is there anything that Mr. Mercadante does with respect to S&L Vitamins that you do not do? A The books.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Yes. Q What sales do you do on behalf of S&L Vitamins? A I pick up the phone. I'll take an order, process an order. I'll help a customer out in front if they need assistance. Q How many days a week are you at the Lindenhurst store? A It depends what time of year it is, three. Sometimes five. Sometimes two. Q Are there seasons where it's busy or parts of the year where it's busier where you need to be at Lindenhurst more? A Yes. Q When are those times? A January to June. Q Is that the tanning season? A Supplement season. Q So they coincide, the supplement season and the tanning season? A New Year's resolutions, getting ready for summer.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	been any other employees of that company? A Of S&L, no. Q Has the Lindenhurst store ever been owned or controlled by a different corporate entity other than S&L Vitamins? A No. Q I did some. I don't think I have the document, but I looked at the Secretary of State records and I saw Body Source Limited incorporated around March 23, 1994. I know you said you didn't know if that was the name of your mom's company, but does that sound about the same time that she incorporated her business? A As I stated earlier in my deposition, we opened the Northport store in approximately 1994, so I would assume so, yes. Q Is there anything that Mr. Mercadante does with respect to S&L Vitamins that you do not do? A The books. Q Anything else?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A Yes. Q What sales do you do on behalf of S&L Vitamins? A I pick up the phone. I'll take an order, process an order. I'll help a customer out in front if they need assistance. Q How many days a week are you at the Lindenhurst store? A It depends what time of year it is, three. Sometimes five. Sometimes two. Q Are there seasons where it's busy or parts of the year where it's busier where you need to be at Lindenhurst more? A Yes. Q When are those times? A January to June. Q Is that the tanning season? A Supplement season. Q So they coincide, the supplement season and the tanning season? A New Year's resolutions, getting ready for summer. Q So those would be January to June,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	been any other employees of that company? A Of S&L, no. Q Has the Lindenhurst store ever been owned or controlled by a different corporate entity other than S&L Vitamins? A No. Q I did some. I don't think I have the document, but I looked at the Secretary of State records and I saw Body Source Limited incorporated around March 23, 1994. I know you said you didn't know if that was the name of your mom's company, but does that sound about the same time that she incorporated her business? A As I stated earlier in my deposition, we opened the Northport store in approximately 1994, so I would assume so, yes. Q Is there anything that Mr. Mercadante does with respect to S&L Vitamins that you do not do? A The books. Q Anything else? A Not that I'm aware of.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Yes. Q What sales do you do on behalf of S&L Vitamins? A I pick up the phone. I'll take an order, process an order. I'll help a customer out in front if they need assistance. Q How many days a week are you at the Lindenhurst store? A It depends what time of year it is, three. Sometimes five. Sometimes two. Q Are there seasons where it's busy or parts of the year where it's busier where you need to be at Lindenhurst more? A Yes. Q When are those times? A January to June. Q Is that the tanning season? A Supplement season. Q So they coincide, the supplement season and the tanning season? A New Year's resolutions, getting ready for summer.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	been any other employees of that company? A Of S&L, no. Q Has the Lindenhurst store ever been owned or controlled by a different corporate entity other than S&L Vitamins? A No. Q I did some. I don't think I have the document, but I looked at the Secretary of State records and I saw Body Source Limited incorporated around March 23, 1994. I know you said you didn't know if that was the name of your mom's company, but does that sound about the same time that she incorporated her business? A As I stated earlier in my deposition, we opened the Northport store in approximately 1994, so I would assume so, yes. Q Is there anything that Mr. Mercadante does with respect to S&L Vitamins that you do not do? A The books. Q Anything else?

1	Sagarin 38	1	Sagarin 40
2	or financial records of S&L Vitamins?	2	CPA, Andrew Daniels.
3	A No.	3	Have you seen this tax return? And I'm
4	Q Have you ever had any discussions with	4	going to focus on the federal return. Have you
5	Mr. Mercadante about taking a distribution out	5	seen it before?
6	the company?	6	A No.
7	A I would love for my wife to take a	7	Q Were you aware that Mr. Mercadante in
8	distribution out of the company. It's not	8	2000 was listed as owning 100 percent of the
9	possible right now.	9	stock of S&L Vitamins, Inc.?
10	Q Are you an officer of S&L Vitamins,	10	A No.
11	Inc.?	11	Q After Mr. Mercadante's deposition, did
12	A No.	12	he make you aware of the fact that in the year
13	Q What is Mr. Nierman's job title?	13	2000, he was identified as owning 100 percent of
14	A Manager.	14	S&L Vitamins, Inc.'s stock on the tax returns?
15	Q What does he do for the company?	15	A I don't understand the question.
16	A Everything. Packs boxes, helps	16	Q Did Mr. Mercadante tell you that he
17 18	customers, stocks shelves, takes out the garbage,	17	learned in his deposition that he was shown as a
19	cleans the bathroom.	18	sole owner of S&L Vitamins?
20	Q Does he have any responsibility for ordering tanning lotions?	19	A In the year 2000?
21	A Not that I'm aware of, no.	20	Q Yes.
22	Q Does he have any responsibilities with	21 22	A He mentioned something about it.
23	respect to determining what to sell the tanning	23	Q Do you know if any amended tax return
24	lotions for on the Internet?	24	for the year 2000 has been filed? A No. No, I do not, no.
25	A No.	25	Q To your knowledge, has any amended tax
			Q 10 your knowledge, has any amended tax
1	Sagarin 39	1	Sagarin 41
2	Q Does he handle any customer complaints	2	return ever been filed for the year 2000 or any
3	or customer issues?	3	subsequent year?
4	A Absolutely.	4	A I don't know.
5	Q Have you dealt with customers'	5	Q If I asked you the same questions for
6	complaints related to tanning lotions?	6	2001, I assume your answer would be you weren't
7	A Yes.	7	aware that he was identified as Mr. Mercadante
8	Q What type of complaints have you	8	was identified as the sole owner of S&L Vitamins?
9	received?	9	A That's correct.
10	A Incorrect items shipped.	10	Q Does that mean that if the tax returns
11	Q Anything else?	11	show him, Mr. Mercadante, of being a sole owner
12 13	A Not that I'm aware of.	12	of S&L Vitamins, that they're are not correct?
14	Q Have you ever had a customer	13	A That's correct.
15	dissatisfied with the product that they received and asked for a refund?	14	Q Did Laura Fanning make her capital
16		15	contribution of \$15,000 upon the formation of S&L
17	A Not in my personal experience. Q Has S&L Vitamins had a customer	16	Vitamins, Inc.?
18	dissatisfied with a tanning lotion they received	17 18	A Yes.
19	and asked for a refund?	19	Q You've been handed Deposition Exhibit 3.
20	A I don't know.	20	It shows your gross sales at 2002 at \$348,681. Do you see that on line 1A?
21	Q I'm handing you what was previously	21	A Yes, I see that.
22	marked as Exhibit 1. This is S&L Vitamins,	22	Q What products was S&L Vitamins selling
23	Inc.'s U.S. tax return for 2000.	23	at that time? Were they selling tanning lotions?
24	It also includes a New York return, as	24	A No.
25	well, at the end, along with a letter from the	25	Q Did you provide any information to your
i		l	/ provide drif information to your
7/////			

1	Sagarin 42	1	Sagarin 44	
2	accountant for any tax year for him to prepare	2	Q Are you aware of any distribution made	
3	tax returns?	3	by S&L Vitamins?	
4	A No.	4	A No.	
5	Q Does Mr. Daniels prepare your individual	5	Q You talked to your accountant or	
6	tax returns that you filed with Laura Fanning?	6	Mr. Mercadante about distributions that appear,	
7	A First time this year.	7	at least on paper to have been made, to	
8	Q Do you recall ever having any	8	shareholders?	
9	discussions with Mr. Mercadante or Laura Fanning	9	A I will now.	
10	about needing to correctly identify her as a 50	10	Q For good reason. Other than you or	
11	percent owner of S&L Vitamins?	11	Mr. Mercadante, would there be any other person	
12	A Yes.	12	better to answer the question as to whether	
13	Q When was that?	13	distributions were made to shareholders?	
14	A 2 years, approximately a	14	A Our accountant.	
15	year-and-a-half. I don't know.	15	Q Anyone else other than your accountant	
16	Q How did you discover that she wasn't	16	connected to the business who might have	
17	being shown as an owner of S&L Vitamins?	17	knowledge as to whether or not \$171,000	
18	A I think the accountant brought it to	18	distribution was made?	
19	Steven's attention. And, in turn, Steven brought	19	A No.	
20	it to my attention.	20	Q What prompted S&L Vitamins to get into	
21	Q Do you know what, if anything, was done	21	the Internet business, if you will?	
22	to correct that?	22	A Shrinking retail market, increase sales.	
23	A I believe there was some paperwork that	23	Q What led you to the Internet, did you	
24	was done.	24	research it?	
25	Q Do you know if it was paperwork related	25	A No. The Internet is a very large place	
				
١,	Sagarin 43	1	Sagarin 45	
1	Sagarin 43	1 2	Sagarin 45	
2	to corporate, the corporate structure or was it	2	that a vast amount of shopping goes on and I	
2	to corporate, the corporate structure or was it accounting paperwork like tax returns, if you	2	that a vast amount of shopping goes on and I wanted to get involved.	
2 3 4	to corporate, the corporate structure or was it accounting paperwork like tax returns, if you know?	2 3 4	that a vast amount of shopping goes on and I wanted to get involved. Q What year did S&L Vitamins open its	
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2 3 4 5 6 7	to corporate, the corporate structure or was it accounting paperwork like tax returns, if you know? A I don't know. Q I've handed you Exhibit 21. Have you seen Exhibit 21 before?	2 3 4 5 6 7	that a vast amount of shopping goes on and I wanted to get involved. Q What year did S&L Vitamins open its Internet storefront? A I want to say '02, I believe. Q Did you do that yourself or did you hire	
2 3 4 5 6	to corporate, the corporate structure or was it accounting paperwork like tax returns, if you know? A I don't know. Q I've handed you Exhibit 21. Have you seen Exhibit 21 before? A No.	2 3 4 5 6 7 8	that a vast amount of shopping goes on and I wanted to get involved. Q What year did S&L Vitamins open its Internet storefront? A I want to say '02, I believe. Q Did you do that yourself or did you hire someone to do it?	
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1	Sagarin 46	1	Sagarin 48
2	A Yes.	2	A Yes.
3	Q What discussions did you have along	3	Q Have you ever modified S&L Vitamins's
4	those lines?	4	website from your home computer?
5	A It was a long time ago, again. How do I	5	A Yes.
6	do it? What do I need to do? I am on a budget,	6	Q Have you ever added pictures of products
7	let's try to make this as economically feasible	7	onto the I'm going to just limit it to tanning
8	as possible to get my website visible to increase	8	lotion tanning lotion products from your home
9	sales. And he thought the Yahoo store was the	9	computer onto the website?
10	best to way to do that.	10	A I'm sure I have. I'm sure I have.
11	Q What's your understanding of the Yahoo	11	Q I'm going to hand you what's been marked
12	store and how it works?	12	as Exhibit 7. And I'll represent to you that
13	A We pay a percentage of our sales to	13	this is one of the documents that we actually
14	those guys to Yahoo, meaning those guys, and as I	14	attached to the complaint and used in
15	understand it, they give preferential treatment	15	Mr. Mercadante's deposition.
16	to Yahoo stores on Yahoo shopping. That's how I	16	If you look at this section of your
17	understand it. It might not be true, but that's	17	website showing Australian Gold products, when
18	how I understand it.	18	you said you couldn't like change headers, are
19	Q Does Desktop Solutions maintain the	19	you referring to like the top of the page where
20	website currently for S&L Vitamins?	20	it says the THESUPPLENET.COM from Body Source,
21	A Define maintain.	21	two NY locations?
22	Q Update it, make changes to it, post new	22	A Yes.
23	items, remove old items, things of that nature?	23	Q What about like on the left-hand side,
24	A Part of your question is accurate. Part	24	where it has search home, important info and it
25	yes, part no. We put up new stuff, Steven and I.	25	goes down a list of categories of products, can
	77 parameter property and an		goes down a not of categories of products, can
1	Sagarin 47	1	Sagarin 49
2	Sagarin 47 And they have to do certain things that I don't	1 2	Sagarin 49 you change that?
		1	
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2 3	And they have to do certain things that I don't know how do, HTML language. If I were to change a header or	2 3	you change that? A I don't know. I know one time there was a problem changing it and they went over
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	And they have to do certain things that I don't know how do, HTML language. If I were to change a header or there's stuff I can't design a website. So if I need a design change let me phrase it this way. If I need a design change, I can't do it. If I need a product change, I can do it. Q Who is primarily responsible for adding and removing products on your website? A Steven Mercadante and myself. Q Is either one of you more responsible or the other or is it the same? A Steven probably does it more often than I do because of his regulated hours at the business. Q He's there on a set schedule? A Yes. Q Can you change your website from home, on your home computer?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	you change that? A I don't know. I know one time there was a problem changing it and they went over something like that. I think we can do it now because they changed it so we can change it. So I believe so now. On the new website the BODYSOURCEONLINE.COM, which I'm sure you'll get to, we can. On THESUPPLENET.COM, I'm not sure if we can or we can't. Q Which website was started first, THESUPPLENET.COM or BODYSOURCEONLINE.COM? A THESUPPLENET.COM. Q How did you come up with that name? A Steven did. I don't like it. Now I remember, I think he said that, too. Q Other than the Internet, do you do business anywhere else at SUPPLENET.COM or the Supple Net?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	And they have to do certain things that I don't know how do, HTML language. If I were to change a header or there's stuff I can't design a website. So if I need a design change let me phrase it this way. If I need a design change, I can't do it. If I need a product change, I can do it. Q Who is primarily responsible for adding and removing products on your website? A Steven Mercadante and myself. Q Is either one of you more responsible or the other or is it the same? A Steven probably does it more often than I do because of his regulated hours at the business. Q He's there on a set schedule? A Yes. Q Can you change your website from home, on your home computer? A Absolutely, yes. Q How does that work, do you just have a password and a log in and lets you get into your website to make changes and additions and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	you change that? A I don't know. I know one time there was a problem changing it and they went over something like that. I think we can do it now because they changed it so we can change it. So I believe so now. On the new website the BODYSOURCEONLINE.COM, which I'm sure you'll get to, we can. On THESUPPLENET.COM, I'm not sure if we can or we can't. Q Which website was started first, THESUPPLENET.COM or BODYSOURCEONLINE.COM? A THESUPPLENET.COM. Q How did you come up with that name? A Steven did. I don't like it. Now I remember, I think he said that, too. Q Other than the Internet, do you do business anywhere else at SUPPLENET.COM or the Supple Net? A No. Q Does THESUPPLENET.COM website and the BODYSOURCEONLINE.COM website end up in the same place? In other words, if I type up either of
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	And they have to do certain things that I don't know how do, HTML language. If I were to change a header or there's stuff I can't design a website. So if I need a design change let me phrase it this way. If I need a design change, I can't do it. If I need a product change, I can do it. Q Who is primarily responsible for adding and removing products on your website? A Steven Mercadante and myself. Q Is either one of you more responsible or the other or is it the same? A Steven probably does it more often than I do because of his regulated hours at the business. Q He's there on a set schedule? A Yes. Q Can you change your website from home, on your home computer? A Absolutely, yes. Q How does that work, do you just have a password and a log in and lets you get into your	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	you change that? A I don't know. I know one time there was a problem changing it and they went over something like that. I think we can do it now because they changed it so we can change it. So I believe so now. On the new website the BODYSOURCEONLINE.COM, which I'm sure you'll get to, we can. On THESUPPLENET.COM, I'm not sure if we can or we can't. Q Which website was started first, THESUPPLENET.COM or BODYSOURCEONLINE.COM? A THESUPPLENET.COM. Q How did you come up with that name? A Steven did. I don't like it. Now I remember, I think he said that, too. Q Other than the Internet, do you do business anywhere else at SUPPLENET.COM or the Supple Net? A No. Q Does THESUPPLENET.COM website and the BODYSOURCEONLINE.COM website end up in the same

1 Sagarin 50 1 Sagarin 2 A Yes. 2 A No. 3 Q Did you ever use a profes	
2 A Yes. 2 A No.	52 ⁻
	JŁ
I 4 () IT VALUADE AT THE TIPET REAGUET THERE I 4 () LIIA VALLEVER LICE A DESTE	cional
3 Q If you look at the first product there, 3 Q Did you ever use a profes 4 it says, tan extender, if you were out and you 4 photographer?	Sioriai
5 decided you didn't want to sell that, I presume 5 A My sister, Elizabeth Sagari	in
	UIK!
, , , , , , , , , , , , , , , , , , ,	tographe did
9 Q Where did you get the retail prices 9 they doing anything else with the	
10 identified here? 10 photographs, as far as and I'm	_
11 A Catalog. 11 Exhibit 7 only here, did they do a	
12 Q Can you get a catalog? 12 with the photographs other than	give them to you?
13 A Our vendor. 13 A No. E-mailed them to us.	
14 Q Which vendor was that? 14 Q Who decided how the pro	ducts should be
15 A Danny Sheehan. 15 displayed in these photographs?	
16 Q Did you get a catalog from anyone other 16 A I did.	
17 than Mr. Sheehan? 17 Q Why are some products sl	hown with the box
18 A I'm sure we have. 18 and some aren't?	
19 Q Do you know from whom? 19 A Because I believe I looked	
20 A Just the vendors that I have. 20 Australian Gold website and saw	
21 Q Did they give you a new catalog as each 21 displayed and that's how we disp	layed them, like
22 year's products are rolled out, do you get an 22 they displayed them.	
23 updated catalog with new products or 23 Q Are you pretty familiar wit	th the
24 A It comes in the box. 24 Internet?	
25 Q What box, the box they're shipped in? 25 A Define familiar. I don't kn	low.
1 Sagarin 51 1 Sagarin	53
2 A Containing the tanning lotion. 2 Q I mean, do you know how	to get on it and
3 Q The box from the distributor or the box 3 search and browse and do things	
4 from like Mr. Sheehan? 4 A Absolutely, yes.	
5 A I don't understand. 5 Q And did you ever right clic	ck over a
6 Q You said it comes in the box. Who puts 6 photograph and cut or copy it?	
7 what in the box? 7 A As embarrassing as this so	ounds, I only
8 A I place an order with Danny. Danny 8 learned how do that, like 18 mon	
9 places an order with whoever he places an order 9 right side of the mouse does.	
, , , , , , , , , , , , , , , , , , ,	any other
10 O Did you ever do that with	-
10 with. I go pick up the order. 10 Q Did you ever do that with 11 If I happen to open the box up and 11 Australian Gold, Swedish Beauty	or Caribbean Gold
11 If I happen to open the box up and 11 Australian Gold, Swedish Beauty	or Caribbean Gold
11 If I happen to open the box up and 11 Australian Gold, Swedish Beauty of 12 there's a catalog in there, so I would assume the 12 product?	or Caribbean Gold
11 If I happen to open the box up and 12 there's a catalog in there, so I would assume the 12 product? 13 distributor put it in the box. 11 Australian Gold, Swedish Beauty of 12 product? 13 A No.	
11 If I happen to open the box up and 12 there's a catalog in there, so I would assume the 12 product? 13 distributor put it in the box. 14 Q Did you take the photographs shown here 11 Australian Gold, Swedish Beauty of 12 product? 13 A No. 14 Q If you look at Blazen' on the 14 Difference of 15 product?	hat left
11 If I happen to open the box up and 12 there's a catalog in there, so I would assume the 12 product? 13 distributor put it in the box. 14 Q Did you take the photographs shown here 15 in Exhibit 7? 11 Australian Gold, Swedish Beauty of 12 product? 12 product? 13 A No. 14 Q If you look at Blazen' on the 15 column, third one down, there approach 15 column, third one down, there approach 15 there's a catalog in there, so I would assume the 12 product? 13 A No. 14 Q If you look at Blazen' on the 15 column, third one down, there approach 15 there's a catalog in there, so I would assume the 12 product? 13 A No. 14 Q If you look at Blazen' on the 15 column, third one down, there are	hat left opears to be
11 If I happen to open the box up and 12 there's a catalog in there, so I would assume the 13 distributor put it in the box. 14 Q Did you take the photographs shown here 15 in Exhibit 7? 15 column, third one down, there ap 16 A No. 16 something superimposed over the	hat left opears to be
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11 If I happen to open the box up and 12 there's a catalog in there, so I would assume the 13 distributor put it in the box. 14 Q Did you take the photographs shown here 15 in Exhibit 7? 16 A No. 17 Q Did you have someone take the 18 photographs in Exhibit 7 for you? 11 Australian Gold, Swedish Beauty of product? 12 product? 13 A No. 14 Q If you look at Blazen' on the something superimposed over the three thre	hat left pears to be e product. Do you
11 If I happen to open the box up and 12 there's a catalog in there, so I would assume the 13 distributor put it in the box. 14 Q Did you take the photographs shown here 15 in Exhibit 7? 16 A No. 17 Q Did you have someone take the 18 photographs in Exhibit 7 for you? 19 A Yes. 11 Australian Gold, Swedish Beauty of product? 12 product? 13 A No. 14 Q If you look at Blazen' on the something superimposed over the shown that says? 15 column, third one down, there applied to something superimposed over the shown that says? 18 A No. 19 Q Do you know who put that	hat left ppears to be e product. Do you t there?
11 If I happen to open the box up and 12 there's a catalog in there, so I would assume the 13 distributor put it in the box. 14 Q Did you take the photographs shown here 15 in Exhibit 7? 16 A No. 17 Q Did you have someone take the 18 photographs in Exhibit 7 for you? 19 A Yes. 20 Q What's the name of the photographer? 11 Australian Gold, Swedish Beauty of product? 12 product? 13 A No. 14 Q If you look at Blazen' on the column, third one down, there appropriately something superimposed over the column and the c	hat left ppears to be e product. Do you t there? pher.
11 If I happen to open the box up and 12 there's a catalog in there, so I would assume the 13 distributor put it in the box. 14 Q Did you take the photographs shown here 15 in Exhibit 7? 16 A No. 17 Q Did you have someone take the 18 photographs in Exhibit 7 for you? 19 A Yes. 20 Q What's the name of the photographer? 21 A Helen Sagarin. 11 Australian Gold, Swedish Beauty of product? 12 product? 13 A No. 14 Q If you look at Blazen' on the column, third one down, there appropriately something superimposed over the column and the column are column. 16 Something superimposed over the column are column are column are column. 17 know what that says? 18 A No. 19 Q Do you know who put that column are column are column are column are column. 18 A No. 19 A Yes. 19 Q Do you know who put that column are column are column are column. 19 A Yes. 19 Q Do you know who put that column are column are column are column are column.	hat left ppears to be e product. Do you t there? pher. ect to the form
11 If I happen to open the box up and 12 there's a catalog in there, so I would assume the 13 distributor put it in the box. 14 Q Did you take the photographs shown here 15 in Exhibit 7? 16 A No. 17 Q Did you have someone take the 18 photographs in Exhibit 7 for you? 19 A Yes. 20 Q What's the name of the photographer? 21 A Helen Sagarin. 22 Q Who? 11 Australian Gold, Swedish Beauty of product? 12 product? 13 A No. 14 Q If you look at Blazen' on the column, third one down, there appropriately appropriately appropriately appropriately appropriately approached a No. 16 something superimposed over the know what that says? 18 A No. 19 Q Do you know who put that appropriately appropriately appropriately appropriately approached a No. 19 Q Do you know who put that appropriately appropriately approached a No. 19 Q Do you know who put that appropriately appropriately appropriately approached approached a No. 19 Q Do you know who put that appropriately appropriately appropriately appropriately approached a	hat left pears to be e product. Do you at there? pher. ect to the form you see
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11 If I happen to open the box up and 12 there's a catalog in there, so I would assume the 13 distributor put it in the box. 14 Q Did you take the photographs shown here 15 in Exhibit 7? 16 A No. 17 Q Did you have someone take the 18 photographs in Exhibit 7 for you? 19 A Yes. 20 Q What's the name of the photographer? 21 A Helen Sagarin. 22 Q Who? 11 Australian Gold, Swedish Beauty of product? 12 product? 13 A No. 14 Q If you look at Blazen' on the column, third one down, there appropriately appropriately appropriately appropriately appropriately approached a No. 16 something superimposed over the know what that says? 18 A No. 19 Q Do you know who put that appropriately appropriately appropriately appropriately approached a No. 19 Q Do you know who put that appropriately appropriately approached a No. 19 Q Do you know who put that appropriately appropriately appropriately approached approached a No. 19 Q Do you know who put that appropriately appropriately appropriately appropriately approached a	hat left ppears to be e product. Do you t there? pher. ect to the form you see top?

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	1 Sagarin 54	1	Sagarin 56
- 1	2 little blurb, whatever that is?	2	Q The first page, the phone number (631)
	3 MR. COLEMAN: To me, looking at the	3	225-BODY, at what location does that number ring?
- 1	4 picture, I can't agree that anything is	4	
•	5 necessarily superimposed.	5	Similar in grant and in the contract of the co
- 1	6 MR. MATTHEWS: Wait, don't testify for	6	Q How do you determine what price you'll
1	7 him, Ron.	7	sell these products for?
	8 MR. COLEMAN: Because on the raw	8	A I just go, these are nice prices, too.
	9 transcript, it's going to look like there's	9	I wish I was selling this stuff for these prices
	been an acknowledgement of some kind of	1 -	now. Competition.
		10	Q Who is your competition?
	 superimposition. All I see is a smudge. MR. MATTHEWS: All right. 	11	A AMAZON.COM, Ebay, Best Indoor Lotion,
		12	Tan Today, Best Price Lotion, World Class
	, , , , , , , , , , , , , , , , , , , ,	13	Nutrition. Oh, God, there's so many more, Cheap
	4 was pulled from the Internet on April 19, 2004.5 A Okay.	14	Lotions.
	•	15	Q But generally, the websites are your
	Q At that time, were you the one that put	16	competitors?
	7 these photographs on the website or did someone	17	A Generally, yes.
1	8 else do it?	18	Q Does Helen Sagarin pay any fees to S&L
	9 A Either Steven or myself.	19	Vitamins for being associated with S&L Vitamins's
	Q Has anyone other than Steven or yourself	20	web?
2		21	A No.
	2 Beauty or Caribbean Gold products on your	22	Q Does Helen Sagarin's Body Source pay any
	3 websites?	23	fees associated with maintaining the website?
	4 A No. 5 Q If you look at the last page, 3 of 3.	24	A I don't understand.
Ľ	5 Q If you look at the last page, 3 of 3.	25	Q Don't you have like a monthly service
1	1 Sagarin 55	1	Sagarin 57
	1 Sagarin 55 2 Why are the SPF products grouped in threes?	1 2	Sagarin 57 charge for maintaining your website or hosting.
	Sagarin 55 Why are the SPF products grouped in threes? A I don't know.	1 2 3	charge for maintaining your website or hosting,
	Why are the SPF products grouped in threes? A I don't know.	2	charge for maintaining your website or hosting, having someone host the website?
	 Why are the SPF products grouped in threes? A I don't know. Q Is it your testimony, though, that you 	2 3	charge for maintaining your website or hosting, having someone host the website? A Yes, Yahoo.
	 Why are the SPF products grouped in threes? A I don't know. Q Is it your testimony, though, that you would have made the decision how the products are 	2 3 4	charge for maintaining your website or hosting, having someone host the website?
	 Why are the SPF products grouped in threes? A I don't know. Q Is it your testimony, though, that you would have made the decision how the products are 	2 3 4 5	charge for maintaining your website or hosting, having someone host the website? A Yes, Yahoo. Q Does she pay any fees for Yahoo? A No.
	Why are the SPF products grouped in threes? A I don't know. Q Is it your testimony, though, that you would have made the decision how the products are displayed on this photograph? A Yes. I would approve it. That looks nice, that's fine.	2 3 4 5 6	charge for maintaining your website or hosting, having someone host the website? A Yes, Yahoo. Q Does she pay any fees for Yahoo? A No. Q Let's look at the Golden Glaze product.
	Why are the SPF products grouped in threes? A I don't know. Q Is it your testimony, though, that you would have made the decision how the products are displayed on this photograph? A Yes. I would approve it. That looks nice, that's fine. Q At the bottom of the page, it says, Body	2 3 4 5 6 7	charge for maintaining your website or hosting, having someone host the website? A Yes, Yahoo. Q Does she pay any fees for Yahoo? A No.
1	Why are the SPF products grouped in threes? A I don't know. Q Is it your testimony, though, that you would have made the decision how the products are displayed on this photograph? A Yes. I would approve it. That looks nice, that's fine. Q At the bottom of the page, it says, Body Source, and it lists your 308 Montauk Highway	2 3 4 5 6 7 8	charge for maintaining your website or hosting, having someone host the website? A Yes, Yahoo. Q Does she pay any fees for Yahoo? A No. Q Let's look at the Golden Glaze product. It says, retail \$60, your price \$39. That's on
11	Why are the SPF products grouped in threes? A I don't know. Q Is it your testimony, though, that you would have made the decision how the products are displayed on this photograph? A Yes. I would approve it. That looks nice, that's fine. Q At the bottom of the page, it says, Body Source, and it lists your 308 Montauk Highway address and it also has Helen Sagarin's address	2 3 4 5 6 7 8 9	charge for maintaining your website or hosting, having someone host the website? A Yes, Yahoo. Q Does she pay any fees for Yahoo? A No. Q Let's look at the Golden Glaze product. It says, retail \$60, your price \$39. That's on the left-hand column?
1111	Why are the SPF products grouped in threes? A I don't know. Q Is it your testimony, though, that you would have made the decision how the products are displayed on this photograph? A Yes. I would approve it. That looks nice, that's fine. Q At the bottom of the page, it says, Body Source, and it lists your 308 Montauk Highway address and it also has Helen Sagarin's address listed in Miller Place, correct?	2 3 4 5 6 7 8 9	charge for maintaining your website or hosting, having someone host the website? A Yes, Yahoo. Q Does she pay any fees for Yahoo? A No. Q Let's look at the Golden Glaze product. It says, retail \$60, your price \$39. That's on the left-hand column? A Okay.
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1	Sagarin 58	1	Sagarin 60
2	A Based on competitor's prices. Try to be	2	Q What products do you buy from Dominic,
3	competitive with the other people out there.	3	Joe, Danny and John?
4	Q So you'll do your markup, and you'll	4	A Joe is the SPF line, the spray.
5	want to try to get your 40 percent margin and if	5	Q Outdoor products primarily?
1		6	A Correct. And the other three, I'll
6	it's higher than a competitor's you may mark it	7	
7	down to compete?	8	represent, Dominic, Danny, John are the indoor line and a little bit of the outdoor line lotion.
8	A It's retail. Be it Internet, be it	1	
9	walk-in, that is retail.	9	Q I assume that the four specific
10	Q Who does S&L Vitamins buy its tanning	10	individuals don't supply you products that you
11	lotions from?	11	can obtain directly from the manufacturer; is
12	A Dominic, Danny, John, Joe.	12	that correct?
13	Q Just so I have a good record, Danny	13	A That is correct.
14	Sheehan?	14	Q What brands do they supply Australian
15	A I'm sorry, I just wanted to be cute.	15	Gold, for example, Australian Gold, Designer
16	Danny Sheehan, John Tufarella and Joe Ferrara.	16	Skin, whatever they might be?
17	MR. MATTHEWS: Let's take a break.	17	A Australian Gold, Designer Skin, Supre,
18	(A recess was taken.)	18	that's pretty much it.
19	Q Have you bought any brand of tanning	19	Q Did they supply you California Tan in
20	lotions from anyone other than the four	20	the past?
21	individuals you just identified?	21	A In the past.
22	A Yes.	22	Q Is there a reason that you use those
23	Q Who else?	23	four individuals to obtain Australian Gold,
24	A Direct manufacturers. Would you like me	24	Designer Skin, Supre and California Tan because
25	to list the manufacturers for you?	25	manufacturers would not sell to you directly if
1		i	
-		 	
1	Sagarin 59	1	Sagarin 61
1 2	Sagarin 59 Q Yes.	1 2	Sagarin 61 you were selling on the Internet?
	3	1	
2	Q Yes.	2	you were selling on the Internet?
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1			
1	Sagarin 62	1	Sagarin 64
2	the sale of tanning lotions by him to you?	2	A Correct.
3	A I was a customer of his tanning salon.	3	Q How did the transactions take place then
4	I tan there, which I don't tan anymore. I sold	4	when you weren't trading product?
5	him supplements, which he had on his shelf.	5	A I would pay for it with check. Whatever
6	And we were bartering supplements. He	6	the difference was, which was substantially
7	couldn't pay a bill or I forgot what happened, an	7	usually.
8	invoice or something. And he bartered the	8	Q Back at the end of '03, beginning of '04
9	tanning lotion for the supplements and that's how	9	when you were just getting into the tanning
10	it began.	10	lotion business, how frequently were you placing
11	Q Was that barter for your own personal	111	orders from Mr. Sheehan?
12	use or the business for S&L Vitamins?	12	A If my memory serves me right, once or
13	A I don't use tanning lotion.	13	twice a week. I don't know. I don't know.
14	Q So it was for the business of S&L	14	
15	Vitamins?	15	• • • • • • • • • • • • • • • • • • • •
16	A Yes.	16	cases of product you typically ordered?
17	Q What led you to believe that selling	17	A No. 400 bottles, 200 bottles, 500 bottles. I don't know.
18	tanning lotions might be a good idea?	18	
19	A A lot of tanning salons out there.		Q Enough to fit in the trunk of your car?
20	Q It doesn't mean you make any money?	19	A Sometimes. Truck, I drive a GMC. But
21	A Give it a try.	20	sometimes. Sometimes it wouldn't. Sometimes it
22	•	21	was 800 bottles.
23	Q Was your intent to sell it in your retail location?	22	Q How much is 800 bottles? Is that like a
24		23	pallet full?
25	7	24	A Half the table and about 4 feet high.
23	Q Did you take that first exchange of	25	Q 8, 10 feet long and 4 feet high maybe?
	Consults CO		
1	Sagarin 63	1	Sagarin 65
2 3	product with the intent of placing it on the	2	A Yes, probably something like that. 60
	Internet?	3	cases, I don't know.
4	A I don't know. Probably, yes.	4	Q How much would an order like that
5	Q Did that happen right away that the	5	typically cost?
6	products you obtained from Mr. Sheehan went on	6	A 8 grand, 7 grand, 6 grand, 5 grand,
7 8	the Internet right away?		
18	A	7	depending on what you're ordering. Obviously,
	A Most likely, yes.	8	some prices are higher than others.
9	Q I mean, other than just like try it. It	8 9	some prices are higher than others. Q Right. What percentage of S&L
9	Q I mean, other than just like try it. It seems like a good thing, did you give any thought	8 9 10	some prices are higher than others. Q Right. What percentage of S&L Vitamins's orders are placed through Mr. Sheehan
9 10 11	Q I mean, other than just like try it. It seems like a good thing, did you give any thought like this might be another line where we can add	8 9 10 11	some prices are higher than others. Q Right. What percentage of S&L Vitamins's orders are placed through Mr. Sheehan as opposed to others?
9 10 11 12	Q I mean, other than just like try it. It seems like a good thing, did you give any thought like this might be another line where we can add revenues or this might be a good seller on the	8 9 10 11 12	some prices are higher than others. Q Right. What percentage of S&L Vitamins's orders are placed through Mr. Sheehan as opposed to others? A 80 percent. 75, 80, a lot, a good
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Tell me how you placed an order.

know there was a conversation, but it was a long

25

Q

		-	
1	Sagarin 70	1	Sagarin 72
2	A To who?	2	Q No, just in tanning lotions?
3	Q Well, let's start with Danny and to the	3	A Tanning lotions, it's a good product.
4	extent we they're different for other people,	4	20, 30, 40. 20, 30, I don't know. It's good
5	we'll clarify that, but let's start with Danny	5	though.
6	Sheehan.	6	Q What is your next big seller?
7	A Pick up the phone, look at the shelf,	7	A Brand-wise?
8	look in the back, because occasionally there were	8	Q Yes.
9	have back orders.	9	A Designer Skin.
10	Q Just call him up and tell him over the	10	Q And then after Designer Skin?
11	phone what you need, right?	11	A Swedish Beauty.
12	A Yes.	12	
13	Q How long did it take Mr. Sheehan to get	13	
14	your product?	14	Designer Skin and Swedish Beauty?
15	A 1, 2, 3, 4 days.		A Oh, God, tanning lotion, 10s, a couple
16		15	of 10s, pair of 10s.
17	Q That's a pretty quick turnaround, isn't it?	16	Q So they're pretty equal, Designer Skin
18		17	and Swedish Beauty?
	A One, two is. Three or four isn't.	18	A Yes. That's fair, definitely fair.
19	Q Is your business model design so you	19	Q What percentage of your revenues are
20	don't keep a lot of inventory on hand?	20	attributed to tanning lotion sales overall?
21	A Less inventory is more profit.	21	A 30.
22	Q For example, do you try to keep enough	22	Q So 70 percent of your revenue comes from
23	inventory at hand to anticipate what your orders	23	supplements?
24	for the week will be or do you wait until you get	24	A Yes. I think. I guess. I'm trying to
25	an order and say, I'd better call Danny up and	25	be as clear as I can.
		1	
1 .		1	
1	Sagarin 71	1	Sagarin 73
2	get some product in overnight?	2	Q I understand. And this isn't a memory
2 3	get some product in overnight? A It depends on the time of the year. In	2	Q I understand. And this isn't a memory test, but I think you generally have your finger
2 3 4	get some product in overnight? A It depends on the time of the year. In the busy time, we try to anticipate every couple	2 3 4	Q I understand. And this isn't a memory test, but I think you generally have your finger on the pulse of the business, so you can give me
2 3 4 5	get some product in overnight? A It depends on the time of the year. In the busy time, we try to anticipate every couple of days, if we can. It's busy right now.	2 3 4 5	Q I understand. And this isn't a memory test, but I think you generally have your finger on the pulse of the business, so you can give me a feel.
2 3 4 5 6	get some product in overnight? A It depends on the time of the year. In the busy time, we try to anticipate every couple of days, if we can. It's busy right now. Q How much business are you doing right	2 3 4	Q I understand. And this isn't a memory test, but I think you generally have your finger on the pulse of the business, so you can give me a feel. I asked about Mr. Mercadante talked
2 3 4 5 6 7	get some product in overnight? A It depends on the time of the year. In the busy time, we try to anticipate every couple of days, if we can. It's busy right now. Q How much business are you doing right now?	2 3 4 5	Q I understand. And this isn't a memory test, but I think you generally have your finger on the pulse of the business, so you can give me a feel.
2 3 4 5 6 7 8	get some product in overnight? A It depends on the time of the year. In the busy time, we try to anticipate every couple of days, if we can. It's busy right now. Q How much business are you doing right	2 3 4 5 6	Q I understand. And this isn't a memory test, but I think you generally have your finger on the pulse of the business, so you can give me a feel. I asked about Mr. Mercadante talked
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1	Sagarin 74	1	Sagarin 76
2	A Phone call from either the store or he'd	2	Q You faxed him an order?
3	call my cell phone, come pick it up. Danny's	3	A Correct. Printed out an order sheet.
4	store is on my way from home. I live pretty far	4	Not an order sheet, printed out the actual
5	from work, about an hour and 15 minutes.	5	product lists on the page of our website and just
6	Q So you pick it up in your Yukon?	6	hit print, out comes the stuff.
7	A Sometimes.	7	We would write the quantities next to
8	Q Would the boxes still be sealed from the	8	the items that we intended to order with an arrow
9	distributor?	9	pointed to the product, so that there was no
10	A Yes, most of the time. Depending on	10	discrepancy on what we were ordering.
11	whether or not Danny needed any for his own	11	Q You're not talking about what you
12	personal stock, his stock for the store.	12	printed out was like Exhibit 7?
13	Q But most of the time, you just pick up	13	A Similar.
14	the boxes and drive off and take those boxes to	14	Q It is?
15	your place of business?	15	A Absolutely.
16	A Yes.	16	Q So if you wanted to order Golden Glaze,
17		17	you'd write 6 and draw an arrow to it?
•	MR. COLEMAN: Larry, try to answer	18	A Yes.
18	verbally and also wait until the question is	19	Q With respect to picking up the product
19	completely finished.	20	from Dominic Bartone, did that vary at all from
20	MR. MATTHEWS: He knows where I'm going.	21	what you described with Danny Sheehan?
21	We're on the same page, Ron.		·
22	MR. COLEMAN: We all know where you're	22	
23	going.	23	Q Did Mr. Bartone supply you with an invoice from the distributor?
24	A I want to go home.	24	
25	Q Me, too. I want to go home, too. But	25	A The same way Danny Sheehan supplied me
١.,	Computer 75	l 4	Cagarin 77
1	Sagarin 75	1	Sagarin 77
2	did Danny Sheehan give you an invoice as well?	2	with the invoice, yes.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	did Danny Sheehan give you an invoice as well? A There was either an invoice in the box or Danny would hand it to me, yes. Q Once you get the product back to your Lindenhurst store, what did you do? A Checked it against the invoice that either Danny handed me or it was in the box. Q What did you do with the invoice? A Enclosed a check back to Danny Sheehan, mailed it back to him. Q Mailed the invoice back? A Absolutely. Q Did you keep a copy of the invoice for your records? A No. Q How did that process work or differ with respect to the other three let's leave Plaza out of this. With John Tufarella and Dominic Bartone, did this process that you just described differ at all?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	with the invoice, yes. Q And the invoice and the payment was returned after you checked it in? A With Dominic, I usually paid before I picked it up. With Danny, I would take it back to Montauk Highway. Q Any reason for that distinction in the timing? A Better friends with Danny. Q I understand. John Tufarella, was the procedure the same as Danny or did it vary in any way? A Very similar to the way it worked with Danny. Most the time I would pick it up at the Greenvale location. Occasionally, if John Greenvale is a far distance from everywhere. It's north fork Long Island. I mean, north. It's very far, difficult to get to. Occasionally, John would deliver it and we'd pay John right on the spot for delivery or the same situation as Danny. Q Anything else vary in your dealings with
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	did Danny Sheehan give you an invoice as well? A There was either an invoice in the box or Danny would hand it to me, yes. Q Once you get the product back to your Lindenhurst store, what did you do? A Checked it against the invoice that either Danny handed me or it was in the box. Q What did you do with the invoice? A Enclosed a check back to Danny Sheehan, mailed it back to him. Q Mailed the invoice back? A Absolutely. Q Did you keep a copy of the invoice for your records? A No. Q How did that process work or differ with respect to the other three let's leave Plaza out of this. With John Tufarella and Dominic Bartone, did this process that you just described differ at all? A With Dominic, slightly.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	with the invoice, yes. Q And the invoice and the payment was returned after you checked it in? A With Dominic, I usually paid before I picked it up. With Danny, I would take it back to Montauk Highway. Q Any reason for that distinction in the timing? A Better friends with Danny. Q I understand. John Tufarella, was the procedure the same as Danny or did it vary in any way? A Very similar to the way it worked with Danny. Most the time I would pick it up at the Greenvale location. Occasionally, if John Greenvale is a far distance from everywhere. It's north fork Long Island. I mean, north. It's very far, difficult to get to. Occasionally, John would deliver it and we'd pay John right on the spot for delivery or the same situation as Danny.

1	Sagarin 78	1	Sagarin 80
2	described?	2	order?
3	A We stopped ordering from him.	3	A Yes.
4	Q Why is that?	4	Q How was that handled? Is that through
5	A Store went out of business and he's	5	the tanning salon from which you purchased the
6	pursuing other things. I tried to make it easy	6	products?
7	to order products. I just try to make it easy.	7	A Yes.
8	He's a nice guy. There's no question about it	8	Q Have you ever had any communications
9	and he is a nice guy.	9	with distributors that supply the products for
10	Q There are more Yuca tanning salons than	10	the tanning salons?
11	there are Body Sources, but is he still working	11	A No.
12	with and I'm looking through my notes I	12	Q Have you ever attempted to place an
13	think it's the Syosset store. Is John Tufarella	13	
14	still involved in the Syosset store?	14	order directly with a distributor?
15	A I don't know.		A No.
		15	Q When did you tell Danny Sheehan, if at
16 17	Q But you're not ordering from the Syosset	16	all, you were selling products on the Internet,
	store?	17	was that with that letter?
18	A No.	18	A No. It was probably prior to that, but
19	Q Plaza is probably a little bit different	19	I don't remember specific date or conversation
20	because of the types of products you ordered, so	20	that occurred. Danny knew I was selling it on
21	tell me how the transactions with Plaza Sports	21	the Internet.
22	worked.	22	Q That wasn't a secret?
23	A Similar to Danny. I can't get the SPFs	23	A No secrets.
24	right now. I can't get them. So I placed an	24	Q In relation to when you first started
25	order with Joe and call me when it came in,	25	selling tanning lotions on the Internet and
1	Sagarin 79	1	Sagarin 81
2	picked it up, paid him the check.	2	received the Ice Miller letter, do you know how
3	Q How did you know Joe?	3	long a period of time that was?
4	A Joe is a customer at the Miller Place	4	A What's the date of the Ice Miller
5	location and I also work out with him at the gym,	5	letter?
6	a place called Personal Fitness. His brother is	6	Q That's a fair question.
7	also a professional hockey player for the Twins.	7	A The first Ice Miller letter.
8	He played for the Rangers. He used to play for	8	
9	the Rangers.	١۵	Q January 15, 2004. A 2 months.
10	Q When you say you can't get the SPFs	10	
11	anymore, what do you mean by that, will Plaza not	11	C
12	sell them or they don't have them?	12	about the fact that Helen Sagarin's store is
13	A They don't have them. It's seasonal.	13	listed on the Internet website.
117			If a customer goes into Helen Sagarin's
		1 1 1	shows and save have Tames and a sector if
14	Our inventory is running extremely low. We only	14	store and says, hey, I saw you carry Australian
14 15	Our inventory is running extremely low. We only have a few different bottles left. Whatever we	15	Gold products. I want to buy a bottle of Blazen'
14 15 16	Our inventory is running extremely low. We only have a few different bottles left. Whatever we ordered from them, that's it.	15 16	Gold products. I want to buy a bottle of Blazen' or something. She doesn't have it on her shelf.
14 15 16 17	Our inventory is running extremely low. We only have a few different bottles left. Whatever we ordered from them, that's it. Q And the tanning salons from which you	15 16 17	Gold products. I want to buy a bottle of Blazen' or something. She doesn't have it on her shelf. Does S&L Vitamins actually sell her a
14 15 16 17 18	Our inventory is running extremely low. We only have a few different bottles left. Whatever we ordered from them, that's it. Q And the tanning salons from which you buy the products, they can't get the SPFs from	15 16 17 18	Gold products. I want to buy a bottle of Blazen' or something. She doesn't have it on her shelf. Does S&L Vitamins actually sell her a bottle of that location?
14 15 16 17 18 19	Our inventory is running extremely low. We only have a few different bottles left. Whatever we ordered from them, that's it. Q And the tanning salons from which you buy the products, they can't get the SPFs from their distributors?	15 16 17 18 19	Gold products. I want to buy a bottle of Blazen' or something. She doesn't have it on her shelf. Does S&L Vitamins actually sell her a bottle of that location? A If there's not an outstanding balance
14 15 16 17 18 19 20	Our inventory is running extremely low. We only have a few different bottles left. Whatever we ordered from them, that's it. Q And the tanning salons from which you buy the products, they can't get the SPFs from their distributors? A No.	15 16 17 18 19 20	Gold products. I want to buy a bottle of Blazen' or something. She doesn't have it on her shelf. Does S&L Vitamins actually sell her a bottle of that location? A If there's not an outstanding balance for supplements. Her store carries a lot more
14 15 16 17 18 19 20 21	Our inventory is running extremely low. We only have a few different bottles left. Whatever we ordered from them, that's it. Q And the tanning salons from which you buy the products, they can't get the SPFs from their distributors? A No. Q Or at least a complete line of SPFs?	15 16 17 18 19 20 21	Gold products. I want to buy a bottle of Blazen' or something. She doesn't have it on her shelf. Does S&L Vitamins actually sell her a bottle of that location? A If there's not an outstanding balance for supplements. Her store carries a lot more variety of supplements than we do it. Usually
14 15 16 17 18 19 20 21 22	Our inventory is running extremely low. We only have a few different bottles left. Whatever we ordered from them, that's it. Q And the tanning salons from which you buy the products, they can't get the SPFs from their distributors? A No. Q Or at least a complete line of SPFs? A It's a restricted line. I'm not	15 16 17 18 19 20 21 22	Gold products. I want to buy a bottle of Blazen' or something. She doesn't have it on her shelf. Does S&L Vitamins actually sell her a bottle of that location? A If there's not an outstanding balance for supplements. Her store carries a lot more variety of supplements than we do it. Usually there's an outstanding balance higher than what
14 15 16 17 18 19 20 21 22 23	Our inventory is running extremely low. We only have a few different bottles left. Whatever we ordered from them, that's it. Q And the tanning salons from which you buy the products, they can't get the SPFs from their distributors? A No. Q Or at least a complete line of SPFs? A It's a restricted line. I'm not familiar with the policies.	15 16 17 18 19 20 21 22 23	Gold products. I want to buy a bottle of Blazen' or something. She doesn't have it on her shelf. Does S&L Vitamins actually sell her a bottle of that location? A If there's not an outstanding balance for supplements. Her store carries a lot more variety of supplements than we do it. Usually there's an outstanding balance higher than what we owe her because of the it's a very busy
14 15 16 17 18 19 20 21 22 23 24	Our inventory is running extremely low. We only have a few different bottles left. Whatever we ordered from them, that's it. Q And the tanning salons from which you buy the products, they can't get the SPFs from their distributors? A No. Q Or at least a complete line of SPFs? A It's a restricted line. I'm not familiar with the policies. Q In the orders you placed, have you ever	15 16 17 18 19 20 21 22 23 24	Gold products. I want to buy a bottle of Blazen' or something. She doesn't have it on her shelf. Does S&L Vitamins actually sell her a bottle of that location? A If there's not an outstanding balance for supplements. Her store carries a lot more variety of supplements than we do it. Usually there's an outstanding balance higher than what
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Larry Sagarin

2 supplements? 3 A Sometimes. Her variety is a lot better 4 than ours. And if there was an outstanding 5 balance, we needed to cut her a check. It hardly 6 ever happens. 7 Q Do you order your supplements through 8 Helen Sagarin's store? 9 A Primarily, most of the sales are through 2 Q Were you concerned that if you didn't 3 pay his attorney, he might not be able to 4 continue to sell the products to you? 5 A No. 6 Q Is that a loan or was that a gift? 7 A It's a loan. 8 Q How is it being repaid? 9 A Discount on the inventory that we pick	
4 than ours. And if there was an outstanding 5 balance, we needed to cut her a check. It hardly 6 ever happens. 7 Q Do you order your supplements through 8 Helen Sagarin's store? 4 continue to sell the products to you? 5 A No. 6 Q Is that a loan or was that a gift? 7 A It's a loan. 8 Q How is it being repaid?	
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8 Helen Sagarin's store? 8 Q How is it being repaid?	
10 supplement vendors. Yes, direct distributors, 10 up from him, 10 percent versus 20 percent. 10	
11 direct manufacturers and distributors. 11 percent credit goes towards his bill and 10	
12 Q Do any your direct manufacturers or 12 percent goes directly to his pocket.	
13 distributors for supplements also offer tanning 13 Q Have you ever made any purchase of	
14 lotions? 14 Australian Gold, Swedish Beauty, or Caribbean	
15 A No. They do offer a Pro Tan for 15 Gold tanning lotion and paid for it other than by	
16 competition body builders, it's like an instant 16 a check?	
17 tan. 17 A No.	
18 Q None of the tanning lotions, not 18 Q When is the last time you placed an	
19 Australian Gold, Swedish Beauty, those? 19 order with John Tufarella?	
20 A No. 20 A A couple of years, year and a half.	
21 Q What was the date of your last order 21 Q That's just because his Greenvale store	
22 from Danny Sheehan? 22 closed?	
23 A March 29. 23 A His Greenvale store closed, he drives a	
	+
24 Q Yesterday? 24 Boars Head truck part time, he went for the court 25 A Yes. 25 officer's test. He's a busy guy. He's difficult	•
25 A 165. 25 Officer's test. Ties a busy guy. Ties difficult	
1 Sagarin 83 1 Sagarin 85	
2 Q How big was that order? 2 to get a hold of.	
3 A 5 grand, \$5,000. 3 Q What about Dominic Bartone, what's the	
4 Q We're in the busy season now, correct? 4 last order you placed with Dominic?	
5 A Almost. 5 A Last week.	
6 Q Spring break time, March, April? 6 Q Right now, how many orders a month are	
7 A Yes. 7 you placing with Dominic?	
8 Q Are those the biggest months, March and 8 A I try to give him one a week, 10 days.	
9 April? 9 I don't know right now.	
10 A April would be the busy month of the 10 Q What was the amount of the last order?	
11 year, I believe, in my experience, in the tanning 11 A \$4,000, I believe. \$4,200, \$4,200.	
12 lotion industry. 12 Q You try to keep that relationship good	
13 Q How frequently are you placing orders 13 by giving him some business every once in awhile	?
14 now with Mr. Sheehan and your other suppliers? 14 A Absolutely, yes.	
15 A Every other day. 15 Q Dominic Bartone does know that you're	
16 Q Is 5 grand a large, small or about 16 selling the products on the Internet, too?	
17 average? 17 A Yes.	
18 A It's large. Yes, it's a good-size 18 Q Was that disclosed to him upfront, what	
19 order, but it's average. It's average. I can 19 you were doing with that? Did you call him and	
20 only stock so much. My store very small. 20 say, hey, I'm going to sell some products on the	
21 Q Why did you decide to loan Mr. Sheehan 21 Internet, can you help me get them?	
22 \$7,500? 22 A I called him up and asked him if he'd	
23 A To pay his attorney. 23 like to sell me tanning lotions because he owned	
24 Q Why did you decide to do that? 24 a tanning salon and he said, yes.	
25 A I like Danny. 25 Q Do you remember approximately when the	at
22 (Pages 82 to	

1	1				
	1	Sagarin 86	1	Sagarin 88	
i	2	was in relation to your first transaction with	2	What type of economic harm has S&L	
	3	Danny Sheehan?	3	Vitamins sustained as a result of Australian	
	4	A I think it was '04. I think it was in	4	Gold's actions?	
	5	the beginning, during the busy season because I	5	A Inability to expand product lines.	
	6	didn't know what the busy season was, as far as	6	Inability to buy supplements at correct pricing	
	7	tanning. I didn't know it existed. And the	7	structures due to the fact that we can't afford	
	8	orders increased, time to get another vendor.	8	to lay out the demands put out by the	
١	9	Q What about John Tufarella, when did you	9	manufacturers and distributors.	
-	10	first place an order with him?	10	Obviously, attorneys' fees. Mostly the	
	11	A Probably '04.	11	fact that I can't bring in new products. I can't	
	12	Q And you'd known Dominic Bartone prior to	12	afford it. I lost revenue from that. I lost	
	13	calling him up, correct?	13	revenue from new business.	
ļ	14	A Yes.	14	And all the business that that would	
	15	Q How did you know Dominic?	15		
١	16	A Mutual friend.	16	generate from the new customers that I received	
	17	Q Who is that mutual friend?	17	from generating new product lines, going into a	
١	18	A Robert Russo.	18	new direction completely with the whole website.	
-	19	Q Were you introduced to John Tufarella	19	That's what I want to do. I can't afford to do it.	
١	20	through Danny?	20		
-	21	A Yes. I think so. He's a Smithtown boy,	21	Q Let's break this up and they may	
1	22	so that's where we're from.	22	overlap. You're talking about your inability to	
ł	23	Q Mr. Sagarin, you've been handed Exhibit	23	offer now product lines. What new products are	
1	24	18, which is the lawsuit, complaint, that your	24	you talking about?	
۱	25	counsel filed on behalf of S&L Vitamins against	25	A I had a deal cut with Everlast to be one	
ı	23	Course filed on behalf of Soc. Vitalinis against	25	of their exclusive distributors besides	
- 1			ł.		
ľ	1	Sagarin 97	-	Committee	
	1 2	Sagarin 87	1 2	Sagarin 89	
	2	Australian Gold, Inc.	2	themselves and their initial stock order was way	
	2 3	Australian Gold, Inc. Did you authorize Mr. Coleman to file	2	themselves and their initial stock order was way too great for me to put up. I couldn't do it. I	
	2 3 4	Australian Gold, Inc. Did you authorize Mr. Coleman to file this lawsuit on your behalf?	2 3 4	themselves and their initial stock order was way too great for me to put up. I couldn't do it. I had to walk away from the business. Also	
	2 3 4 5	Australian Gold, Inc. Did you authorize Mr. Coleman to file this lawsuit on your behalf? A To file the complaint, yes.	2 3 4 5	themselves and their initial stock order was way too great for me to put up. I couldn't do it. I had to walk away from the business. Also Q Let's start with Everlast here. You're	
	2 3 4 5 6	Australian Gold, Inc. Did you authorize Mr. Coleman to file this lawsuit on your behalf? A To file the complaint, yes. Q What led you to the decision to sue	2 3 4 5 6	themselves and their initial stock order was way too great for me to put up. I couldn't do it. I had to walk away from the business. Also Q Let's start with Everlast here. You're talking about the company that makes the boxing	
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suffer economic harm from defendant's actions.

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Sagarin 90 A I don't know. I have his card in my office. If you need it, I'll be more than happy to give it to you. Q When did those negotiations take place? A A year ago, 8 months ago, at a boxing match that I was at. Q When would that have been? A August. I was introduced to him by my boxing trainer. Q Is that deal over now? A It's sleeping. Q Has it been lost for good? A I hope not. It's lost for now. Q Do you think that deal with Everlast would be bigger than the tanning lotion portion of your business? A You'll never know. Not today, anyway. Q But based upon what you were anticipating, was it your anticipation that that was going to be a major part of your business other than tanning lotions? A I'm always looking for an opportunity, if I can purchase a product at a fair price and offer it to the customer at a fair price, I	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	A He was a CEO of the corporation. He's now called Body for Life. I lost my direct status with them because of the volume, my decrease in volume. Q What volume of sales would you have to order? A 10,000 a month. Q 10,000 a month? A Yes. To get a certain discount and now I'm buying the stuff secondhand or through a distributor. I can't be competitive in the marketplace, so I lost that customer because of that. I'm able to buy directly, is what it comes down to. Q All right. Let me stop you there. A If you can't buy directly, you can't sell directly. Q So I take it, your sales of EAS products have been less than \$10,000 per month; is that correct? A Significantly, yes. Q How has Australian Gold caused your sales of EAS products to dip below \$10,000 per month?
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Sagarin 91 really don't mind what the product is. Sports enthusiasts, that's our motif, but people who take care of themselves. So if it's hair care products or Everlast products or fitness wear, or whatever it is, I'm always looking for the opportunity. I have been completely financially strapped because of that lawsuit and I can't afford to take on any product lines unless the commitment is like \$200 or \$500, realistically. Q Any other product lines that you were planning to do that you consider to be economic harm that you suffered as a result of defendant's actions? A EAS, which is Experimental Applied Sciences, has a minimum requirement, purchase requirement. I lost that. It's gone. I don't have it anymore. Q What does EAS manufacturer? A Myoplex, probably the most popular meal replacement product in the world. I was direct with them for 14 years. I know Bill Phillips on a first-name basis. Q Who is that?	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Sagarin 93 A Because due to this lawsuit, instead of paying the EAS man, I have to pay the lawyer and I'm unable to purchase the product at a competitive price. Q So you're not offering it for the same price A I can't. My competitors can, but I couldn't. Q So is it your testimony that the EAS products, you need to have that in stock and then hope you sell it, you sell your inventory rather than the manner in which you purchase the tanning lotions, which is kind of just in time? A No. It's a commodity, similar to the tanning lotions, it moves very quickly if I had it competitively priced. I cannot competitively price the product. Q When did you lose your direct distributorship? A Middle of last summer. End of the summer. Q Anything else related to your business where you suffered economic harm? A I can't buy anything directly anymore.